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Group Art Unit:

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FROM:

J.B. KRAFT

Tel No:

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Docket No. AUS 92001034403 Serial No. 09/899,454 Atty. J.B. KRAFT

Applicant:

G.F. McBrearty et al☐ Transmittal Letter (2 copies)☐ Certificate of Facsimile☐ Preliminary Amendment☐ Notice of Appeal☐ Amendment AF☐ Appeal Brief (3 copies)☐ Ext. of Time☒ Reply Brief 3 copies☐ IDS Statement☐ Change of Address☐ Other \_\_\_\_\_

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Fees: Amendment \_\_\_\_\_ Notice of Appeal \_\_\_\_\_ Appeal Brief \_\_\_\_\_ Other \_\_\_\_\_

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2178  
Gerald F. McBrearty et al. : Intellectual Property  
Serial No: 09/899,454 : Law Department - 4054  
Filed: 07/05/2001 : International Business  
Title: BOOKMARKS FOR WORLD : Machines Corporation  
WIDE WEB DOCUMENTS WITH : 11400 Burnet Road  
INDICATORS OF THE HIT RATES : Austin, Texas 78758  
FOR THE WEB DOCUMENTS FROM : CUSTOMER NUMBER 32,329  
THE WEB SITES SENDING THE :  
DOCUMENTS :  
Date: 10/17/05 :

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence including the present Reply Brief (in triplicate) is being transmitted via facsimile to USPTO, Group Art Unit 2178 at telephone number 571-273-8300, and to the attention of Examiner K. R. Stork on 10/17/05.

J. B. KRAFTREPLY BRIEF ON APPEAL  
BEFORE THE BOARD OF APPEALS  
AND INTERFERENCES

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Reply Brief to the Examiner's Answer mailed August 15, 2005.

In the Answer, the Examiner makes an Argument with reference to Ryan et al. which has not been previously made in the Final Rejection.

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PATENT  
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To briefly review the present invention, it provides at a receiving i.e. Web document requesting station, in association with a displayed list of bookmarks for Web documents, displayed data on the rates of transmission of each listed bookmarked Web document. In this way, the user at the receiving station may judge whether a high transmission rate will mean a delay in accessing a particular bookmarked Web document before accessing the document through the stored bookmarked links to the document source.

The Ryan patent does not suggest this expedient. In Applicant's Brief, it was emphasized that the present invention related to the storing, at receiving display stations, bookmarked direct links to the already known sources of the selected bookmarked documents. On the other hand, the Ryan patent related to search engines and algorithms for searching the Web to find unknown sources of documents based upon key words of interest to the user.

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There appears to be a resistance on the part of the Examiner to distinguish the present invention of stored bookmarked already selected links to Web document sources at

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The Examiner points to the description of the collective search hit-lists at Col 7 lines 49-62 as some sort of a basis for combining the high-flyer and personal hit lists of Ryan. However, it must be noted that the only procedure in Ryan in which such two lists may be combined is as an input data set for a search in combination with a key word which produces search results of terms ranked in order of interest to the user requesting the key word search (col. 7, lines 56-62). This result is quite remote from any suggestion of the present invention of storing, at receiving display stations, bookmarked direct links to the already known sources of the selected bookmarked documents.

Here too, the Pitkow publication does little to make up for the deficiencies of Ryan. All Pitkow appears to discuss in Section (0136) cited by Examiner is the vague and general

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Respectfully submitted,

*J. B. Kraft* 10/17/05  
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Attorney for Applicants  
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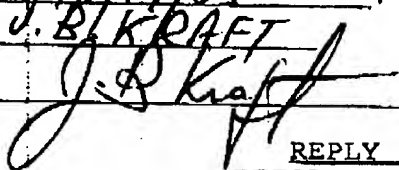
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